

Steve W. Berman (*pro hac vice*)
Thomas E. Loeser (SBN 202724)
Robert F. Lopez (*pro hac vice*)
HAGENS BERMAN SOBOL SHAPIRO LLP
1918 Eighth Avenue, Suite 3300
Seattle, WA 98101
Telephone: (206) 623-7292
Facsimile: (206) 623-0594
steve@hbsslaw.com
toml@hbsslaw.com
robl@hbsslaw.com

Shana E. Scarlett (SBN 217895)
HAGENS BERMAN SOBOL SHAPIRO LLP
715 Hearst Avenue, Suite 202
Berkeley, CA 94710
Telephone: (510) 725-3000
Facsimile: (510) 725-3001
shanas@hbsslaw.com

*Attorneys for Plaintiffs and
the Proposed Classes*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DEAN SHEIKH, JOHN KELNER, TOM
MILONE, DAURY LAMARCHE, DAN
WHELAN, and MICHAEL VERDOLIN, on
behalf of themselves and all others similarly
situated,

Plaintiffs,

v.

TESLA, INC. d/b/a TESLA MOTORS, INC., a
Delaware corporation,

Defendant.

No. 5:17-cv-02193-BLF

**PLAINTIFF DAN WHELAN'S NOTICE
OF VOLUNTARY DISMISSAL
WITHOUT PREJUDICE PURSUANT
TO FED. R. CIV. P. 41(a)(1)(A)(i)**

1 TO THE COURT, ALL PARTIES, AND COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE THAT plaintiff Dan Whelan hereby voluntarily dismisses his
3 claims against defendant Tesla, Inc., d/b/a Tesla Motors, Inc., without prejudice, pursuant to Federal
4 Rule of Civil Procedure 41(a)(1)(A)(i). Tesla has neither filed an answer, nor moved for summary
5 judgment, and a class has not yet been certified. Therefore, Mr. Whelan's claims may be dismissed
6 without prejudice and without a court order. This notice of voluntary dismissal and withdrawal is
7 made without prejudice to Mr. Whelan's rights as an absent class member, and it does not affect the
8 pending claims of any other plaintiffs.

9 Dated: April 24, 2018

HAGENS BERMAN SOBOL SHAPIRO LLP

10 By: /s/ Steve W. Berman

11 Steve W. Berman (*pro hac vice*)
12 Thomas E. Loeser (SBN 202724)
13 Robert F. Lopez, (*pro hac vice*)
14 1918 Eighth Avenue, Suite 3300
15 Seattle, Washington 98101
16 Telephone: (206) 623-7292
Facsimile: (206) 623-0594
Email: steve@hbsslaw.com
Email: toml@hbsslaw.com
Email: robl@hbsslaw.com

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19 Berkeley, California 94710
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23 *Attorneys for Plaintiffs and the*
24 *Proposed Classes*